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OFFICE OF PETITIONS

In re Patent No. 6,949,245 : DECISION ON REQUEST FOR
Mark Sliwowski : RECONSIDERATION OF
Issue Date: September 27, 2005: PATENT TERM ADJUSTMENT
Application No. 09/602,812 : and
Filed: June 23, 2000 : NOTICE OF INTENT TO ISSUE
Attorney Docket No. P1467R2 : CERTIFICATE OF CORRECTION
:

This is a decision on the "REQUEST FOR RECONSIDERATION OF REVISION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed December 5, 2005, with a certificate of mailing dated November 28, 2005. Patentee requests that the patent term adjustment indicated on the patent be corrected from two hundred fifteen (215) days to three hundred thirty-five (335) days.

The request for reconsideration of patent term adjustment is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **THREE HUNDRED THIRTY-FIVE (335)** days.

On September 27, 2005, the application matured into U.S. Patent No. 6,949,245, with a revised patent term adjustment of 215 days. By virtue of the certificate of mailing dated Monday, November 28, 2005, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 335 days. Patentee asserts that the 120-day applicant delay associated with the "miscellaneous paper" filed on April 12, 2005, was recorded in error. Patentee states that

the only papers filed on April 12, 2005 were an application for patent term adjustment including an exhibit containing a copy of an earlier filed Information Disclosure Statement and a petition under § 1.183 requesting waiver of the requirement that the application for patent term adjustment be filed before the payment of the issue fee.

37 C.F.R. § 1.704(e) provides that:

Submission of an application for patent term adjustment under § 1.705(b) (with or without request under § 1.705(c) for reinstatement of reduced patent term adjustment) will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraph (c)(10) of this section.

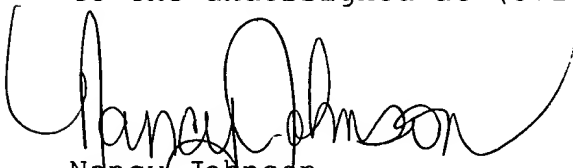
A review of the record confirms that the reduction of 120 days is based on the filing of the application for patent term adjustment, which included an exhibit and a petition for waiver of the timeliness requirement. In view thereof, the reduction of 120 days was not warranted.

The patent should have issued with a revised patent term adjustment of three hundred thirty-five (335) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **THREE HUNDRED THIRTY-FIVE (335) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,949,245 B1

DATED : September 27, 2005

INVENTOR(S) : Sliwkowski

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (215) days

Delete the phrase “by 215” and insert – by 335 days--